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Attorney for Defendants

Legacy Health System CPC, LLC and Legacy Health

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

(Portland Division)

NANCY HADBAVNY, an individual

Plaintiff,

v.

LEGACY HEALTH SYSTEM CPC, LLC an
Oregon corporation, and LEGACY HEALTH, a
domestic non-profit corporation,

Defendants.

Civil No. 3:14-cv-1670

NOTICE OF REMOVAL

**(Pursuant to
28 U.S.C. §§ 1331,
1367, 1441 and 1446)**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Legacy Health System CPC, LLC and Legacy Health ("Defendants") file this notice of removal and remove this case from the Circuit Court of the State of Oregon for Multnomah County, in which court said cause is now pending, to the United States District Court for the District of Oregon.

IN SUPPORT THEREOF, Defendants state as follows:

1. Defendants are a party in a civil action brought against them in the Circuit Court of the State of Oregon for the County of Multnomah entitled Nancy Hadbavny v. Legacy Health System CPC, LLC, case No. 14CV12761, filed on September 9, 2014.
2. Defendants accepted service of the complaint on October 1, 2014.
3. Oregon District Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 because Plaintiff's Third Claim for Relief is brought under the Fair Labor Standards Act, at 29 U.S.C. §207. Therefore, Defendants may remove this action to this Court pursuant to 28 U.S.C. §§1441 and 1446.
4. This Court has supplemental jurisdiction over Plaintiff's First, Second, and Fourth Claims for Relief pursuant to 28 U.S.C. §1367.
5. This Notice of Removal is timely filed with the Court within 30 days of receipt by Defendants through service as provided in 28 U.S.C. § 1446(b).
6. Removal venue lies in this Court because Plaintiff's action was filed and is pending in this District.
7. Promptly upon filing this Notice of Removal, Defendants will provide written notice to the Plaintiff and file a copy of this Notice of Removal with the Clerk of the Multnomah County Circuit Court.
8. By filing this Notice of Removal and removing this case, Defendants do not waive, but rather expressly preserve any and all defenses.
9. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after a reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

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WHEREFORE, Defendants respectfully note its removal of the above-captioned matter to the United States District Court for the District of Oregon.

DATED this 21st day of October, 2014.

TONKON TORP LLP

By /s/ Robert L. Carey

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Attorney for Defendants,
Legacy Health System CPC, LLC and Legacy Health

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

Diane S. Sykes
Attorney at Law P.C.
PO Box 820208
Portland, OR 97282
diane@dianessykeslaw.com

Attorney for Plaintiff

☐ by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below;

☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorney's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;

☐ by sending a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to each attorney's last-known address on the date set forth below;

☐ by faxing a copy thereof to each attorney at each attorney's last-known facsimile number on the date set forth below; or

☒ by concurrently electronically mailing this document in Word format to said attorney's last-known e-mail address on the date set forth below

DATED this 21st day of October, 2014.

TONKON TORP LLP

By: /s/ Robert L. Carey

Robert L. Carey, OSB No. 871860
Blerina Kotori, OSB No. 074381
Attorney for Defendants

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